



**Town of Framingham  
Board of Health**

**RULES AND REGULATIONS  
RELATIVE TO  
THE EXHIBITION, RAISING OR  
KEEPING OF ANIMALS  
WITHIN THE TOWN OF FRAMINGHAM**

**These regulations are adopted in accordance with  
the authority granted by the General Laws of the  
Commonwealth of Massachusetts, Chapter 111,  
Section 31**

SECTION I        SCOPE

- A. The following regulations are promulgated by the Framingham Board of Health in order to allow the keeping of animals within the Town of Framingham in such a way as to not create nuisances and inconveniences.

SECTION II        DEFINITIONS

- A. ANIMAL— any animal (poultry, bird, reptile, fish, rodent or any other dumb creature) of any age or any sex.
- B. CATTLE – all domesticated quadrupeds, including sheep, goats, horses, bovine animals, mules, donkeys and swine of any age, or any sex.
- C. BIRD: Any bird, including parrots, parakeets, canaries, crows, falcons, game birds and peacocks.
- D. POULTRY: domesticated birds, including chickens, turkeys, ducks, geese, guineas fowl, pheasants and pigeons.
- E. RODENT: Any animal of the order Rodentia, including rabbits, gins pigs, hamsters, chinchillas, and squirrels.
- F. PET SHOP - Any store or department of any store or any place of business where dogs, cats, monkeys, rodents, birds, reptiles, fish or any other small animals used as household pets are kept for sale.
- G. STABLE: any building, structure, enclosure, premises, or portion thereof where cattle is kept or maintained for any purpose.
- H. APIARY: any building, structure, enclosure or premises, or portion thereof where bees are kept or maintained for any purpose.
- I. AVIARY: any building, cage structure, enclosure, or premises or portion thereof where more than four birds of any species are kept or maintained for any purpose.
- J. CAT KENNEL: any building, structure, enclosure or premises or portion thereof where more than three cats are kept or maintained for any purpose.
- K. DOG KENNEL: any building, structure, enclosure or premises or portion thereof where more than three dogs are kept or maintained for any purpose.
- L. DEPARTMENT STORE: any store keeping a large variety of goods arranged in several departments.
- M. BOARD OF HEALTH: the duly appointed Board of Health of the Town of Framingham or any of its agents or employees.

### SECTION III      PERMITTING

#### A.     PERMIT TO KEEP ANIMALS

1. No person, corporation, establishment, group or agency shall keep cattle, poultry, dogs (in excess of three), cats (in excess of three) wild animals of any species, hives of bees in excess of three, without first obtaining a PERMIT TO KEEP ANIMALS from the Board of Health.

#### B.     EXEMPTIONS FROM PERMITTING

1. Veterinary hospitals, medical research facilities, commercial pet shops, animal pounds or shelters conducted by recognized animal humane societies, and animal pounds or shelters conducted by the Town of Framingham shall be exempted from permitting.

#### C.     APPLICATION FOR PERMIT TO KEEP ANIMALS

1. Each application shall be in writing upon a form to be furnished by the Board of Health, and shall contain such information as the Board of Health may require.
2. Each application must be accompanied by a plot plan, building plan, and/or statement as to how and where the animals are to be kept on the premises.

#### D.     STANDARDS FOR PERMITTING

1. The applicant must control at least one acre of land to be considered by the Board of Health for permitting of large farm animals.
2. Verification that all abutters have been notified, not more than thirty (30) but no less than fourteen (14) days in advance of the hearing before the Board or its agent, of the applicant's intent. Such verification shall be in the form of a signed letter or receipt from the U. S. Post Office that a certified letter has been received by each abutter.
3. A hearing relative to the issuance of an Animal Permit or stable license will be conducted at a regularly scheduled Board of Health meeting.
4. Except when the applicant controls in excess of five (5) acres of land, direct abutters will be invited to respond in writing and /or attend a hearing relative to the issuance of a permit.
5. The keeping of animals for which the permit is requested or a Stable License at a place set forth in the application, shall not violate any by-law of the Town of Framingham or any law or regulation of the Commonwealth of Massachusetts.

#### E.     LICENSES FOR STABLES

1. In accordance with M.G.L. Chapter 111, section 155 and Framingham Board of Health Regulations, applicants for permits to keep cattle shall be required to obtain a license for a stable from the Board of Health.
2. No license for a stable shall be granted unless the Zoning Officer for the Town certifies that such stable is in compliance with the existing zoning regulation.

3. The licensee or his agents must keep the stable in clean and sanitary condition, free from odors, flies and other vermin.
4. Manure pits and piles shall be located in such a manner as to minimize objectionable conditions. In no case shall manure be allowed to accumulate to more than two cords.
5. A Stable License may be revoked for cause by the Board of Health after a public hearing or suspended without a hearing, if it appears to the Board of Health, or its agents, that such a suspension is necessary to protect the public health. In the case of a suspension, a public hearing will be held at the next regularly scheduled Board of Health meeting to determine whether the suspended Stable License should be revoked.

#### F. TEMPORARY PERMITS

1. No person, corporation, establishment, group or agency shall keep, conduct or operate within the Town of Framingham, any pony ring or pony ride, circus, rodeo, pet show, cat show, animal acts or exhibitions, wild animal or reptile show or exhibitions without first obtaining a TEMPORARY PERMIT TO KEEP ANIMALS from the Board of Health.

#### G. REVOCATION

1. A PERMIT TO KEEP ANIMALS or a STABLE LICENSE may be revoked at any time, after a public hearing, when it appears to the Board of Health that such revocation is necessary to protect the public health or safety, when chronic nuisance conditions exist, or when conditions of the permit or license have been violated.
2. A PERMIT TO KEEP ANIMALS or a STABLE LICENSE may be suspended at any time, when in the opinion of the Board of Health or its agents such suspension is necessary to protect the public health or safety.

#### H. DURATION OF PERMIT OR LICENSE

1. A PERMIT TO KEEP ANIMALS or a STABLE LICENSE will be required through the Framingham Board of Health to be renewed annually.
2. An annual inspection will be conducted by the Board of Health.
3. Any Framingham resident who has a permit prior to September 11, 2012 will be grandfathered.
4. The grandfather provision will be invalid if the permit holder is in violation or non-compliance of the regulation in effect at the time of the issuance of the Animal Permit.

### SECTION IV      HOUSING AND STRUCTURES

- A. Structures used to house animals shall be of substantial construction and afford proper protection against the elements and be so constructed as to discourage the entrance and harboring of vermin.
- B. All poultry, goats, rabbits and such small animals shall be kept in a building or enclosure of adequate size.
  1. Section VII of this regulation provides detailed guidance for poultry pen.
- C. Drinking fountains shall be kept clean and shall be supplied with water at all times.

- D. The structure and surrounding premises used to keep animals shall be well-ventilated, maintained as to discourage flies and other vermin, maintained free from obnoxious odors and maintained in a clean and sanitary condition.
- E. All fences, corrals, paddocks, cages and other enclosures shall be constructed and maintained so that they are fit for the use intended.

#### SECTION V      PROHIBITED ACTS

- A. No roosters shall be kept on any premises unless permission for such keeping is specifically granted by the Board of Health.
- B. No garbage or refuse food shall be fed to animals unless it be put into a proper receptacle which shall be kept clean.
- C. No animal shall be permitted to enter the kitchen or dining area of any licensed food establishment except as hereinafter provided. Nothing in this Regulation shall be construed as to prohibit physically challenged persons from using dogs as aides in entering and leaving public dining areas in licensed food establishments.
- D. It shall be unlawful for the owner or person having custody of any dog or other animal to permit, either willfully or through failure to exercise due care or control, any such dog or animal to commit any nuisance upon any public street or sidewalk, any area immediately abutting the street or sidewalk, or any common areas of multiple dwellings or other buildings accessible to the public.
- E. It shall be unlawful to offer as prizes in any contest or game, any animal, bird, fish or reptile.
- F. Animal sales areas operated in a store where food is sold or held for sale shall be at least 25 feet distance from any part of the store where food is prepared, kept or sold.
- G. Persons engaging in the care or sale of animals or birds shall not work as a food handler in the food handling areas of the store.

#### SECTION VI      CAT VACCINATIONS AGAINST RABIES

- A. Whoever is the current owner or keeper of a cat, four months or older, shall be required to have such cat vaccinated against rabies by a licensed veterinarian using a vaccine approved for use on cats. Such owner or keeper of a cat shall procure a veterinarian's certificate stating the date of vaccination of the cat, and the duration of immunity provided by the vaccine.

#### SECTION VII      KEEPING OF POULTRY

##### A. POULTRY – NUISANCE CONTROL

##### 1. Noise

- a. No roosters (male chickens) are permitted.
- b. The number of birds shall be limited to 6.
- c. Perceptible noise from poultry at the property boundary must conform to all existing noise bylaws.

##### 2. Odor

- a. Odors from poultry, manure or other poultry-related substances shall not be perceptible at the property boundaries.

- b. If possible, waste must be composted with carbonaceous material such as hay, bedding or leaves. If the weather is too cold, or composting is otherwise not possible, waste must be stored in a sealed container until disposal.
- c. Weekly cleaning of poultry pen is required, more frequent cleanings may be required as needed to prevent odor.
- d. The poultry pen and attached pen must conform to all relevant property setbacks for accessory structures as specified in the zoning bylaws.
- e. All poultry shall be confined to the permit holder's property at all times to prevent wandering and straying onto other properties.

#### B. PREDATOR AND PEST CONTROL

- 1. Poultry feed must be stored securely in a rodent-proof container.
- 2. Poultry feed leftover from feeding may not remain past dusk in an area accessible to rodents or other pests.
- 3. Poultry Pen construction
  - a. Poultry Pen and attached pen must be constructed securely so as to exclude predators.
  - b. The pen must be completely enclosed, including aviary netting or other predator-proof material across the top of the pen.
  - c. Poultry Pen and food sources must be constructed and stored so as to exclude pests.
- 4. Necessary measures must be taken to prevent a buildup of pest or rodent populations due to the presence of hens on the property.

#### C. HEALTH & DISEASE CONCERNS

- 1. Poultry must be enclosed and segregated from wild migratory fowl. They may only be allowed out of the enclosure into a securely fenced area when supervised.
- 2. All Poultry/henhouses shall be located not less than 200 feet from the high water mark of any known source of drinking water supply or any tributary thereof, and not less than 50 feet from any well.
- 3. The Board of Health or its agent may order the removal of the chickens upon a determination that the poultry pose a health risk.
- 4. Poultry may not be slaughtered on a residential property within the border of the Town of Framingham.
- 5. If a bird dies, it must be disposed of promptly in a sanitary manner.

#### D. HUMANE TREATMENT

- 1. Chickens must be treated in a humane manner at all times, including access to fresh food, water and protection from the elements as needed.
- 2. Chickens shall not be subject to de-beaking or forced moulting.
- 3. The poultry pen must have a minimum interior floor surface of at least 2 square feet per bird.
- 4. A pen area is required and must have a minimum ground surface of at least 5 square feet per bird.

#### E. REGULATION AND PERMIT PROCESS

1. No person shall keep poultry within the limits of the Town of Framingham, in any building, or on any premises of which he is the owner, lessee, tenant or occupant, without first obtaining an annual permit from the Board of Health.
2. In order to receive a permit, the following must be completed:
  - a. A completed application from the Board of Health.
  - b. A submitted plan drawn to scale which includes the following information: Size of entire lot with existing structures as well as the location of the poultry pen, including fences, distance of poultry pen and pent from all abutters.
  - c. A submitted written maintenance plan describing cleaning schedule, pest and predator control measures and nuisance prevention measures.
  - d. If the property where the hens are to be located is owned by multiple owners, written statements signed by all property owners granting permission.
3. Action by Health Department or Initial Permit.
  - a. Upon receipt of a completed application as defined above, the Board or its agent shall inspect the property.
  - b. The Board or its agent shall provide a hearing for the applicant to speak regarding their application and for abutters to express any concerns, questions, support or opposition to the application. The Board or its agent may require the applicant to furnish additional information needed to make a determination whether to grant the permit.
  - c. The Board or its agent shall act on the completed application. Notice of the Board's or its agent's decision shall be mailed to the applicant within seven (7) working days of the decision and will include any conditions imposed by the Board or its agent (s).
  - d. If the permit is issued, it shall be issued to the owner of the property or the tenant of the property with the written permission of the property owners. If permission from the property owners is rescinded, the permit shall be valid until the end of its annual renewal period.
  - e. The issuance of such permit does not in any way relieve the permittee of the necessity to comply with other laws and regulations concerning zoning and construction. A poultry pen is considered an accessory structure similar to a greenhouse for zoning purposes.
  - f. An initial inspection fee or an annual renewal fee for a permit shall be set by the Board of Health and shall be paid at the time the application is submitted for review. The fee shall not exceed the expected cost of processing the application.
  - g. Fines may be charged for re-inspection or violations of this article, to cover the cost of any personnel time or expense. The amount of any fines may be set by the Board of Health; the amount of such fines shall be publicly known in a manner that is customary and consistent with other Board of Health processes.
  - h. Any violation of the provisions of this article or of the permit shall be grounds for an order from the Code Enforcement Officer to revoke the permit and remove the poultry and the poultry-related structures.
  - i. Framingham Animal Control shall be notified of completed Poultry Application submitted to the Board of Health office for review and comment.

## SECTION VII VARIANCE

- A. The Board of Health may vary the application of any provision of these regulations with respect to any particular case when the Board of Health finds the enforcement thereof would do manifest

injustice; provided that the decision of the Board may be appealed in a court of competent jurisdiction. Any variance granted must be in writing with a copy available to the public at all reasonable hours in the office of the Board of Health.

#### SECTION VIII ENFORCEMENT

- A. Violations of this Regulation may be enforced as provided M.G.L. Chapter 111, Section 31, and Chapter 111, Section 155 and/ or the use of Non-Criminal Disposition.
- B. Except where otherwise provided by law, prosecutions for offenses under this regulation shall be made by the Board of Health or any of its agents.

#### SECTION IX SEVERABILITY

If any section, paragraph, sentence, clause or phrase of these rules and regulations shall be decided invalid for any reason whatsoever, such decision shall not affect the remaining portions of these Rules and Regulations which shall remain in full force and effect and to this end the provisions of these Rules and Regulations are hereby declared severable.

*Date of Effect: September 11, 2012      Date of Publication:*

*Amended:*